

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-V.-

DANIEL B. KARRON

Defendant

07-cr-00541(PKC)

MOTION to CORRECT the record

I, DANIEL B. KARRON(KARRON), the defendant, in this case, moves to make these three (3) corrections due to the following four (4) errors:

ERROR 1) (Late delivery and no due consideration):

- The Court made an error by prematurely issuing an adverse blanket denial ORDER on October 20, Dkt at #131 prior to the Judges' chamber stamped acknowledgments of KARRON's final briefing papers, prior to this case being fully briefed by all/both parties. This is procedurally unfair<sup>1</sup>.
  - At that time (October 20) while KARRON's first papers were submitted on time (October 18) to the court night drop depository box as indicated on the receipt stamps, the original (Dkt # 132) and the corrected reply papers(Docket #134) did not get to the Judge's chambers in time for due consideration.
  - KARRON's first set of receipted papers were not stamped by the court's chambers until a week after they were delivered to the courthouse (On October 25, Dkt #135).
  - The court's order at #131 factual basis preamble or justification section consists entirely of verbiage from the government's unsworn late restyled letter.
  - The courts order entirely ignores all the sworn statements of factual evidence supported by exhibits made in KARRON's responses to the government's resubmission restyled document as an unsworn letter.
    - There are no evidence from the Courts two (Dkt #131 and #135) responses that this court considered, read or looked at, or dismissed any of KARRON's original or corrected Second Memorandum of Law and Declaration of Facts.

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<sup>1</sup> The Doctrine of Procedural Fairness see, for example: Pro Se Case Management for Nonprisoner Civil Litigation. By Jeffri[sic] Wood Published Federal Judicial Center 2016, Procedural Fairness: A white paper by the American Judges Association by Kevin Burke and Steve Leben American Judges Association Court Revue V 44, and <https://proceduralfairnessblog.org/>

- One can reasonably assume that this court did not have KARRON's response papers when it composed its dispositive orders.

ERROR 2) (Wrong Citation):

- The Court's memo endorsement at Dkt # 135 reference the wrong briefing document.
  - The Court made an error in Memo Endorsement Dkt # 135 which was based on and referred to the Defendant's superseded original "Second Memorandum of Law and Declaration of Facts", Dkt # 133.
  - This original document was entirely replaced by a corrected replacement document, Dkt # 134.
  - This original document was submitted on time before its due date of October 18, according to the Courts revised briefing schedule given at Dkt # 126
  - The covering letter for this submission is partially docketed at Dkt # 135
  - The correct document that should have been referenced for dispositive consideration was the "SECOND MEMORANDUM of Law and Declaration of Facts (corrected) [sic] gov", Dkt # 134, not # 133.
  - As such the courts Memo Endorsement was not properly and fully briefed and should be reconsidered by the court.

PROPOSED CORRECTION (new explicit motion for reconsideration):

- Submitted along with this MOTION to CORRECT is a timely 14 day explicit replacement MOTION for RECONSIDERATION under Local Civil Rule 6.3. Motions for Reconsideration or Reargument

ERROR 3) (Docketed document format error)

- Dkt # 134 is docketed without the authoritative PACER blue annotation imprint in the top margin.

CORRECTION (Rescan document):

- Rescan and docket the "SECOND MEMORANDUM of Law and Declaration of Facts (corrected) [sic] gov", Dkt # 134

ERROR 4)

- Covering Letter shown at Dkt #135 upon which the court has handwritten its Memo Endorsement is not docketed in its entirety; The only page scanned is the top page. The second page of text explaining the procedural issues are to be raised by KARRON is missing from the docket<sup>2</sup>.

CORRECTION: docket complete letter.

- Fully scan and docket the original Second Memorandum of Fact and Law covering letter used by the Court to make its MEMO DORSEMENT under the Doctrine of Completeness Rule 106 of the Federal Rules of Evidence.

SIGNATURE PAGE

Dated: Friday, November 10, 2017  
New York, New York

Signed



Daniel B. KARRON  
Defendant

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17 Nov 2017

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<sup>2</sup> Rule 106. Remainder of or Related Writings or Recorded Statements: If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — or any other writing or recorded statement — that in fairness ought to be considered at the same time.

AFFIDAVIT OF SERVICE

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<https://d.docs.live.net/370ff68d4b51a0db/Documents/2017-00-00-documents/2017-11-00-documents/Motion to correct record DBK02.docx>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-V.-

DANIEL B. KARRON  
Defendant

07-cr-00541 (PKC)  
AFFIRMATION OF SERVICE

I, DANIEL B KARRON, the Defendant declare under penalty of perjury that I served a copy of the attached list the names of the documents upon all other parties in this case by

BY EMAIL to: [steve.kwok@skadden.com](mailto:steve.kwok@skadden.com), [Jessica.Greenwood@usdoj.gov](mailto:Jessica.Greenwood@usdoj.gov)  
BY Receipted hand delivery, United States Court House, Criminal Intake 5<sup>th</sup> Floor  
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BY United States Post Office

NOTICING LIST

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[https://d.docs.live.net/370ff68d4b51a0db/Documents/2017-00-00-documents/2017-11-00-documents/Motion to correct record DBK02.docx](https://d.docs.live.net/370ff68d4b51a0db/Documents/2017-00-00-documents/2017-11-00-documents/Motion%20to%20correct%20record%20DBK02.docx)

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14 Nov 2017

AFFIRMED to in New York, NY  
Friday, November 10, 2017

Signed



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